Shovels in the Ground: Arbor Day at the Park!

Celebrating its 24th Arbor Day in Burnham Park, BPA members, friends, members from Morristown Clean Communities, as well as Cub Scouts worked together to plant trees and clean their neighborhood park.

BPA members Bill Pezzuti, Imre Bajuzs, Lynn and Don Siebert, Sue Mellen, Kay Kribs, John and Suzanne Darwell and Joe Attamante planted a Burr Oak, Magnolia and Black Gum. And although rain was predicted, BPA members and scouts hauled buckets of water from the pond to make sure our trees get off to a good start.

While all this digging and positioning of trees was happening, egg addlers extraordinaire Buffy O’Brien, Douglas Vorolieff and John Darwell wielding his trusty goose-repelling umbrella, and, last but not least...

continued on page 2

L-R: Suzanne Mutz Darwell, Susan Mellen, Kay Kribs, Joe Attamante, Don Siebert, Bill Pezzuti, Imre Bajuzs with sons Daniel and Gabriel.
not least, Jack, “the wonder dog”, did what they do best; Over the past 4 years they’ve removed over 350 non-viable eggs, while 110 were removed this year alone. Their efforts have significantly reduced gosling numbers—only 3 were found this year; result: many fewer geese!

Our thanks to BPA VP Joe Attamante for coordinating yet another successful Arbor Day, to Jeff Hartke, Morristown’s Director of Public Works (and Town Engineer for Morristown) for lending the hole-digging crew, to the Clean Communities group of Morristown (under Kathleen Margiotta), and to Debbie Bruen for insuring we were all well fed by those delicious C’Est Cheese sandwiches.

Morris Township moves closer to enacting Tree Ordinance

Among the reasons people choose to purchase homes and live in our area are the magnificent, mature trees, which have shaded and inspired area residents for over a century. However, over the last several years, many of these large specimen oaks, beech, maple, hickory and other grand trees (along with many of their smaller, younger neighbors) have fallen not to disease or old age, but to the chainsaw.

In response, the Morris Township Environmental Commission over several years, with input from township residents, have been crafting a new tree ordinance to protect trees on already developed home lots, thus updating the current ordinance, 57-163 which only protects trees on new building lots.

The proposed ordinance would require additional permits, establish guidelines to protect trees (especially specimen trees -with diameters of 24" or more), and set forth formulas for replacements should removal prove necessary. It would also establish a Tree Preservation Area specifically tailored to the nature of each zoning category within the Township.

The procedure for enactment: The Township’s TCC (Technical Coordinating Committee, comprised of the lawyer, planner and engineer for the Township Planning Board) reviews the proposed ordinance, makes recommendations/changes to the Planning Board who send it on to the Township Committee for a final vote. Any approved ordinance must comply with all other applicable laws in environmentally sensitive areas such as steep slopes, riparian zones, conservation easements, wetlands, etc. Fines are established for violation.

CURRENT UPDATE: Despite the fact that there is ample precedent for such tree protection and, significantly, the NJ Supreme Court has ruled that municipalities are empowered to implement and enforce these ordinances, as several surrounding communities (Randolph and Mendham) already have done, some Township officials are challenging the proposed ordinance and want to significantly alter it by removing permit requirements, reinserting language exempting homeowner lots, except within specified Tree Preservation Areas, which are perpendicular to rear and side property lines and vary by depth in feet depending on lot size. They object to placing any other enforceable limits or restrictions on a homeowner’s present “freedom” to cut down healthy specimen or other trees for any or no reason at all!

This attitude contradicts the Township Committee’s own language, excerpted from the opening paragraph of the Ordinance, in bold below:

The Township Committee of the Township of Morris finds that a program of Township program of tree protection, and replacement of removed trees, will (i) help secure safety from flooding, soil erosion, and degradation of streams and other water bodies through sedimentation, (ii) promote a desirable visual environment, (iii) promote conservation of valuable natural resources, (iv) maintain a robust population of vegetation and living matter within the Township, (v) encourage oxygen production, (vi) maintain bio-mass and suitable natural habitat, and (vii) prevent degradation of the environment, all of which will promote the health, safety, and welfare of all Township residents. Therefore, the Township desires to regulate and control indiscriminate and excessive cutting of trees, to provide protection for larger specimen trees, to encourage careful site design and grading so as to promote preservation of existing trees, and to provide in appropriate cases for planting of new trees to replace existing trees removed for permitted development or other good cause.

If you are concerned about the beauty, health and, yes, economic value of our neighborhoods, please let our officials know that we need a meaningful tree ordinance that sets some reasonable limits for removal of trees, especially healthy specimens that are irreplaceable. Once these trees are removed (even if others are planted), we will not see their like again for 100 years or more!

At a recent meeting between the Technical Coordinating Committee (TCC) and the Environmental Commission (EC), the EC proposed expanding the Tree Protection Areas (currently limited to RA-130 through RA-25 to include smaller homeowner lots: RA-15 and RA-7. The TCC will forward this and other suggestions to the Planning Board who will then convene a meeting during which the EC may comment.

When and if the present or modified proposal is sent to the Township Committee, a public hearing will be held prior to a final vote.

For now, the EC and TCC agreed that educating township residents, especially new homeowners and the tree services serving them, about why they should avoid unnecessary destruction of trees is the best approach to preserving Morris Township’s trees.
The Fountains of Burnham Return:
Pond Aerators up and Running!

Absent for several years, the Burnham Park aerators are back in full glory. The five aerators provide needed oxygen and help cleanse the pond’s water, while their spouting spray and shush add to the park’s tranquility. According to Jeff Hartke, Morristown Engineer, the periodic sprays are controlled by an adjustable timer that can be set as desired. We owe the return of these beauties to the hard work of BPA trustee, Sue Mellen and to Jeff Hartke: Many thanks, Sue and Jeff!

Thanks and fond farewells: the Bajusz family, Rob Pica and John Bartholomew move

With sadness we bid farewell to Imre, Orsi, and their little sons, Daniel and Gabriel and to Rob and John who have served our neighborhood well for many years. They worked hard to help the Burnham Park area stay lovely, clean and a wonderful place to live. We will miss their diligence, good humor and, most of all, their friendship. Good luck in Basel, Switzerland (Imre and his family) and St. Petersburg, FL (Rob and John)! Hmm- New chapters of BPA in Europe and FL?

The DEP’s Destructive Waiver Rule: Environmental Groups file suit.

Rollback of decades of hard won protections:
Twenty seven environmental and labor groups recently filed suit to block the DEP’s destructive new rule which would grant waivers allowing exemptions from the Safe Drinking Water Act, Air Pollution Control Act, and other regulations, if the DEP Commissioner, at his sole discretion, determines that a rule is “unduly burdensome.” Broadly defined, a waiver can be triggered by: “hardship, excessive cost conflicts with other DEP, state or federal rules” or if he believes “some other benefit can be achieved.” For example,designating an environmentally sensitive area a “growth area” could trigger a waiver.
Moreover, a developer may cite “net environmental benefit” which would allow him to damage wetlands, pollute streams or harm endangered or threatened species because he cleaned up or “mitigated” a polluted site!

Exclusion of public participation or even knowledge of decisions:
As if this were not enough, the Waiver Rule does not require public notice or public comment periods for requests, only that these waiver requests be included in any other public notice an applicant is required to file. And, the DEP will only announce review of any such requests on its website, with no notice of such review provided to local governments and the community, those most closely impacted by proposed projects!
Consequently, if such waivers are issued, local residents and their governments might not be aware that state regulations (now waived) no longer apply to their neighborhood!

At this writing, 124 DEP programs are at risk; there are no standards and each permit will be judged on a case by case basis.

We join with these organizations to repudiate this overly broad, opaque and regressive ruling, and call on the DEP to honor its mandate to protect natural resources by rescinding the Waiver Rule.
The Father Tree in Burnham Park: a Burnham heir remembers

Burnham Park Centennial Celebration
Morristown, New Jersey
May 21, 2011
Words by Ann Carter Lyons dedicating the swamp maple tree planted by the Burnham Park Association in remembrance of her father, David Leland Carter, great-grandson of the founders of Burnham Park, Frederick and Catharine Burnham.

“As I was wondering how this Swamp White Oak tree planted by you here in Burnham Park would be a remembrance of my father, I began thinking about what Dad meant to me. My Dad was unconditional love. I knew without question that he was always there for me and that he valued me. I was important to him. I mattered to him. At a very early age he began to teach me important skills for life because he believed that it was his responsibility to prepare me to be responsible for myself. ... He showed me the joy that came with kindness and sharing. Money, possessions and time were so much nicer when shared with others. He taught me by his own example what a person with self-respect and respect for others looked like. This confidence and concern for himself and others, as well as a belief in his responsibility for the success of society as a whole, made an impression on me. This was Dad. He was always there—loving me, guiding me and keeping me safe in life.

So my wish is that this tree, growing here in Burnham Park, will be a place where all of you can feel that same unconditional love. When you need someone to support you, you can come here and sit beside this tree. You can feel its bark under your fingertips. You can feel the depth of its roots, the strength of its height and the shade of its leaves, and know that you are loved. You can tell this tree your problems, concerns or worries and know there will be no judgment, just guidance. You can tell it your joys and successes, and its happiness will be unbridled. In this place you can regain yourself and be reminded of the grace of your own inner strength.

I also wish that you might share the trust of this tree with others. Let them know of this special tree, the father tree, where they, too, can go and feel the comfort of Dad’s unconditional love, his encouragement, optimism, kindness, respect, discipline and unwavering support.”

Music Without Borders: The world on our doorstep

Free lunchtime world music and dance on the Morristown Green The Arts Council of the Morris Area in collaboration with the Mayo Performing Arts Center is again presenting this popular summer series. Remaining programs include:

**JULY 10:** Mauricio de Souza and Bossa Brasil (Brazilian music)

**JULY 24:** Redhawk Native American Arts Council Dance Troupe

**AUGUST 7:** Barynya: Russian music and dance.

Rainsite is at the Morristown United Methodist Church, across the street from the Green at 50 S. Park Place. All programs start at noon. Visit www.morrisarts.org for more information.

MOM AND TOTS, always growing

The Moms and Tots continues to thrive – offering young families wonderful opportunities to build their own community. Pot luck dinners, dad’s and mom’s night out, babysitting coops, discount opportunities for events, baby and child equipment swaps, cookie exchanges, pizza in the park, CPR classes, yoga, and clothing swaps are just some of the wonderful opportunities for sharing and connecting with other young parents in the neighborhood and beyond. Check out the Big Tent website where you can join by visiting https://www.bigtent.com/groups/motownmomtot

www.burnhampark.org
Dr. Lynn Siebert, Burnham Park Association President, made the following observations re the Planning Board’s June 7 meeting:

On June 7, the Planning Board voted unanimously to accept an amended version of the Master Plan revision despite the fact they, the public and the attorney for Citizens for Better Planning In Morris Township (CBPMT) had just received that newly revised, 67 page document minutes before the meeting began. There was NO opportunity for anyone to review the document and actually offer substantive, meaningful and specific comments based on the newly revised version of the Master Plan amendment.

This disturbing distortion of public process was further amplified when Daniel Somers, the attorney for CBPMT, asked if any member of the Planning Board or its professional advisors (lawyer, planner or engineer) had any communications with Honeywell in the week during which this new revision was crafted. Everyone EXCEPT Brian Burns, attorney for the Planning Board, answered that they had no communications with Honeywell. Mr. Burns, however, became evasive and appealed to Mr. Haan, Chair of the Planning Board, asking if he “had to answer” that question. (Surely, as the legal advisor to the Planning Board, Burns should know the answer better than anyone.) Under persistent questioning, Burns finally answered (as instructed to do so by Mr. Haan) that yes, he had been in communication with Honeywell but he “couldn’t remember” the nature of the discussion. Many concerned citizens in the audience groaned audibly in disbelief. At such times, it’s good for public officials to remember that the appearance of impropriety can be every bit as damaging to public trust as actual impropriety.

The bottom line on what is being recommended for the Honeywell property:
  - 200’ setback
  - At least 225 townhouses (maybe more if redesigned) allowed
  - (no CCRC)

What Remains Unresolved as the Master Plan Amendment and new Zoning Ordinance are being considered:

- **JULY 18, 2012 is the date for the first reading of the new ordinance which was obviously put together rapidly – and may move even more quickly to final adoption – during prime vacation time, thus minimizing opportunity for public input**
- The massive traffic issues and who will bear the costs of remediation (fair share calculations could have major impact on taxpayers)
- The liability issue for having an “at-grade” crossing of the train tracks (esp. if they opt to not require train horns for the sake of quiet zone)
- The 13 acres of supposed open space - on which the public has had NO opportunity for comment – regarding important considerations such as public access, safety, parking / traffic, location, etc.
- COAH implications...Affordable housing requirements for the Township could be significant and impose new quotas on the Township - to build out even further in currently open areas
- Liability if contaminated areas cause health problems for new residents in the future
- Fiscal impacts of Master Plan Amendment, zoning changes and proposed General Development Plan
- The extent of Viewshed destruction

**Supreme irony:**
Honeywell may move to PA after all!

The article whose link is cited below speaks for itself. And, in another article on the same topic in the June 22, 2012 issue of The Star-Ledger, Honeywell made very disparaging remarks about how unsuitable the Morris Township site was for its world headquarters.

It is reasonable then to ask if the Township Committee should now seriously reconsider and possibly reject the latest Planning Board recommendations to adopt the Master Plan amendment/ rezone the Honeywell property.

Won’t the Township government look foolish if Honeywell in fact DOES move to PA after all of these accommodations have been made?! The Master Plan and zoning changes clearly help Honeywell maximize the sale price of its land (handy if it is moving). The changes have a big impact on Township residents but are minor in comparison to the tax breaks Honeywell is seeking from the state...which further cements the idea that Honeywell is likely to move to another site or state.

**NJBIZ ALL BUSINESS ALL NEW JERSEY**

Honeywell again seeking more tax credits as it reconsiders Pa. relocation
June 22, 2012 12:44PM
By Joshua Burd

Honeywell International has applied for a tax credit under the popular Grow New Jersey Assistance Program less than two years after a different state incentive program was greatly expanded to keep the Fortune 100 company from leaving the state. See the full article at:
http://www.njbiz.com/article/20120622/NJBIZ01/120629920/-1/enews_NorthJersey#.T-wrkYFSFvo.email/

**Doggie bag mystery:**
Keep our green strip clean

To the person who walks a dog along the East Lake/West Lake green strip, faithfully collecting his/her dog’s waste but then chucks the bag with dog waste into the green space: Please take the bag home with you and chuck it into the garbage instead. The plastic takes a very long time to biodegrade and the bags are an unsightly and unhealthy addition to the green area.
Attorney at Law
WILLIAM H. CLAXTON
Member NJ & KY Bars
32 Dorothy Drive
Morristown, NJ 07960
973-267-2706
Fax 973-539-3359

Real Estate
DEBORAH "DEBBIE" BRUEN
COLDWELL BANKER
Sales Associate / Residential Brokerage
211 South Street
Morristown, NJ 07960
Business-973-267-8990
Cell-201-919-6105
Fax 973-377-7835
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Fill in your name, address and telephone number on this stub. Make checks payable to the Burnham Park Association. Sent to our Membership Chair, Sonya Williams at 21 West Lake Blvd., Morristown, NJ 07960.

Thanks to those neighbors who have supported BPA so generously. DUES PAID IN THE LAST 3 MONTHS OF 2012 GET CREDITED TO CALENDAR YEAR 2013

Membership/Dues Payment I/We enclose our 2012 Burnham Park Association dues of:

$10 Basic/Pine $25 Sponsor/Maple $50 Patron/Beech $100 Benefactor/Oak $250 Thomas Paine Club

Name:
Address:
Telephone: ___________________________ Email:

If making additional contribution, please indicate amount and purpose (e.g. plantings for Arbor Day, etc.)

Amount: ___________________________ Purpose: ___________________________